

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

LUIS GUZMAN,

Defendant.

21 Cr. 723 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

Defendant Luis Guzman was sentenced on August 6, 2024, principally to a term of 70 months' imprisonment. Dkt. 37. The Court has received a *pro se* letter from Guzman, stating that he believes he may be eligible for retroactive relief under Amendment 821 to the Sentencing Guidelines, which took effect on November 1, 2023. *See* Dkt. 38.

Guzman is mistaken. Amendment 821 was in full effect—and had been for some nine months—as of the date of Guzman's sentencing. *See* U.S. Sent'g Comm'n, Amendments to the Sentencing Guidelines, 88 Fed. Reg. 28,254 (effective Nov. 1, 2023). His Guidelines range was calculated pursuant to the Sentencing Guidelines as amended by Amendment 821.

Indeed, Guzman benefitted from the application of Amendment 821, as the presentence report in his case reflects. *See* Dkt. 33 ("PSR"). His advisory Guidelines range, as calculated both in the plea agreement, *see* PSR ¶ 5(C), and by the Probation Department, reflected a 2-level reduction, because Guzman qualified as a zero-point offender, under U.S.S.G. §§ 4C1.1(a) and (b), *see* PSR ¶ 32. The provision providing for that reduction was added by Amendment 821. *See* 88 Fed. Reg. 28,254, at 28,271 (setting out criteria for reduction). And the Court at

sentencing adopted, without opposition, the PSR's calculation of the Sentencing Guidelines range.

Guzman is thus ineligible for any additional relief. The Court therefore denies his motion for such relief.

The Clerk of Court is requested to mail a copy of this order to Guzman at the below address:

Luis Guzman
Fed. Reg. No. 76490-054
FCI Allenwood Low
P.O. Box 1000
White Deer, PA 17887

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: March 14, 2025
New York, New York